

REMARKS

I. STATUS OF THE CLAIMS

Claims 3-5, 7-13 and 26 are pending in the present application. Claims 3, 10 and 26 are the independent claims. Reconsideration is requested.

Claims 1, 2, 6, 14, 17-25 and 27 have been cancelled without prejudice to or disclaimer of the subject matter recited therein.

Claims 3, 7, 10, 15 and 26 have been amended.

Independent claims 3 and 10 have been amended to incorporate the allowable subject matter of claims 6 and 14, respectively. Accordingly, Applicants believe that claims 3 and 10 are now in condition for allowance.

Independent claim 26 has been amended to incorporate the allowable subject matter of claim 6. Accordingly, Applicants believe that claim 26 is now in condition for allowance.

Claims 7 and 15 have been amended to be consistent with the amendments to claims 3 and 10. No new matter is believed to have been added, and approval and entry of the foregoing amendments is respectfully requested.

Applicants acknowledge with appreciation the indication that claims 6 and 14 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims.

II. THE REJECTION OF CLAIMS 1-5, 9-13, 16 AND 26 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY U.S. PATENT APPLICATION PUBLICATION NO. US2001/40645 TO YAMAZAKI '645

Applicants respectfully traverse this rejection for at least the following reason.

Independent claim 1 has been cancelled without prejudice or disclaimer of the subject matter recited therein. Accordingly, the rejection of claim 1 is moot. Claim 2 depends from claim 1 and has also been cancelled. Accordingly the rejection of claim 2 is also moot.

Independent claims 3 and 10 have been amended to incorporate the allowable subject matter of claim 6 and 14.

Accordingly, Applicants respectfully assert that the rejection of claims 3 and 10 under 35 U.S.C. § 102(b) should be withdrawn because Yamazaki '645 fails to teach or suggest each

feature of independent claims 3 and 10.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5, 9, 11-13 and 16 under 35 U.S.C. §102(b) should be withdrawn at least because of their dependence from claims 3 and 10 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4-5, 9, 11-13 and 16 also distinguish over the prior art.

Independent claim 26 has been amended to incorporate the allowable subject matter of claim 6.

Accordingly, Applicants respectfully assert that the rejection of claim 26 under 35 U.S.C. § 102(b) should be withdrawn because Yamazaki '645 fails to teach or suggest each feature of independent claim 26.

III. THE REJECTION OF CLAIMS 7, 8 AND 15 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER YAMAZAKI '645 IN VIEW OF U.S. PATENT NO. 5,821,138 TO YAMAZAKI ET AL. (HEREINAFTER YAMAZAKI '138).

Applicants respectfully traverse this rejection for at least the following reason.

Claims 7-8 and 15 depend from independent claims 3 and 10 and as noted above, independent claims 3 and 10 have been amended to incorporate the allowable subject matter of claims 6 and 14.

Accordingly, Applicants respectfully assert that the rejection of dependent claims 7-8 and 15 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependence from claims 3 and 10 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 7-8 and 15 also distinguish over the prior art.

IV. CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

At a minimum, the Board should enter this Amendment at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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